

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT CINCINNATI

Calesha Harris,

Petitioner,

Case No. 1:23cv077

v.

Judge Michael R. Barrett

Warden, Dayton Correctional Institution,

Respondent.

ORDER

This matter is before the Court on the Report and Recommendation (“R&R”) filed by the Magistrate Judge on August 23, 2023. (Doc. 8). Proper notice was given to Petitioner (who proceeds *pro se*) under 28 U.S.C. 636(b)(1)(C) and Fed. R. Civ. P. 72(b), including notice that she may forfeit rights on appeal if she failed to file objections to the R&R in a timely manner. *United States v. Walters*, 638 F.2d 947 (6th Cir. 1981); see *Berkshire v. Dahl*, 928 F.3d 520, 530 (6th Cir. 2019). No objections to the R&R (Doc. 8) were filed and the time to do so has passed.

The R&R (Doc. 8) of the Magistrate Judge is hereby **ACCEPTED** and **ADOPTED**. Consistent with the recommendation by the Magistrate Judge, Petitioner’s motion (Doc. 7) to reopen this civil action is **GRANTED**. Petitioner must fully comply with the February 13, 2023 Deficiency Order (Doc. 3), a copy of which is enclosed,¹ no later than **October 16, 2023**. Petitioner is (again) advised that her failure to comply with the Deficiency Order will (again) result in the dismissal of this action for want of prosecution.

¹ The Clerk is instructed to send another copy of the Deficiency Order to the cashier of the prison at which Petitioner is confined.

Finally, for the reasons explained by the Magistrate Judge, the Court will **DEFER** ruling on Petitioner's motion (Doc. 7) for appointment of counsel.

IT IS SO ORDERED.

/s/ Michael R. Barrett
Michael R. Barrett, Judge
United States District Court